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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/777,306	02/12/2004	Sung-Hyun Cho	678-1276 (P10797)	5301

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EXAMINER

SOBUTKA, PHILIP

ART UNIT	PAPER NUMBER
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2618

MAIL DATE	DELIVERY MODE
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06/28/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/777,306	Applicant(s) CHO ET AL.	
	Examiner Philip J. Sobutka	Art Unit 2618	

– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a).^{*} In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 April 2007.
 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) ☐ Claim(s) _____ is/are allowed.
 6) ☒ Claim(s) 1-9 is/are rejected.
 7) ☐ Claim(s) _____ is/are objected to.
 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
 10) ☒ The drawing(s) filed on 12 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☒ All b) ☐ Some c) ☐ None of:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

^{*} See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-9 are rejected under 35 U.S.C. 102(e) as being anticipated by Vazvan et al (US 6,400,946).

Consider claim 1. Vazvan teaches an apparatus for selecting an access network in a mobile station capable of receiving a service from a multi-wireless communication network (*Vazvan see especially column 2, lines 13-50, column 5, lines 50-65*), the apparatus comprising:

a physical layer for communicating with the multi-wireless communication network (*Vazvan see figure 2*);

an access network selector for storing information on an available network in the multi-wireless communication network and selecting a network during communication and handoff (*Vazvan see column 4, lines 45-60, column 6, lines 40-55*); and

a higher layer for providing the information stored in the access network selector to a user, and delivering selection information of a particular network in the multi-wireless communication network to the access network selector according to a method

set by the user (*Vazvan teaches the user being able to determine criteria for the PQ or price-quality selection measures, see column 6, lines 25-40, 55-68*).

As to claim 2, Vazvan teaches the apparatus as applied to claim 1, further comprising a display unit for displaying the information to be provided from the higher layer to the user (*Vazvan see especially column 11, lines 60-65*).

As to claim 3, Vazvan teaches the apparatus as applied to claim 1, further comprising a memory for storing a selection criterion of the multi-wireless communication network and a handoff method for each available service (*Vazvan see especially column 11, line 60 – column 12, line 32*).

Consider claim 4. Vazvan teaches a method for selecting an access network in a mobile station capable of receiving a service from a multi-wireless communication network (*Vazvan see especially column 2, lines 13-50, column 5, lines 50-65*), the method comprising the steps of:

during an initial drive, detecting available access nodes, mapping the detected available access nodes, and storing the mapping results in a mapping table (*note that Vazvan teaches recognizing and stroing information relating to the available services, the stored data would correspond to the claimed table, see figure 5, column 4, line 45-column 5, line 50, column 6, lines 40-55*); and

when communication is requested, providing a user with information on an available network from information stored in the mapping table, and communicating with a particular network selected by the user (*Vazvan teaches the user being able to*

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determine criteria for the PQ or price-quality selection measures, see column 6, lines 25-40, 55-68).

As to claim 5, Vazvan teaches the method as applied to claim 4, further comprising the steps of: detecting an available handoff target network from the mapping table, if a vertical handoff is necessary; and if a handoff method is set to an automatic mode, selecting a handoff target network from the detected available handoff target networks automatically (*Vazvan teaches the user being able to set the selection to an automatic or manual mode based on the available network, see column 6, lines 25-40, 55-68).*

As to claim 6, Vazvan teaches the method as applied to claim 4, further comprising the steps of: detecting an available handoff target network from the mapping table, if a vertical handoff is necessary; and if a handoff method is set to a manual mode, providing the user with information on the detected available handoff target networks and performing handoff to a network selected by the user (*Vazvan teaches the user being able to set the selection to an automatic or manual mode based on the available network, see column 6, lines 25-40, 55-68).*

As to claim 7, Vazvan teaches the method as applied to claim 5, further comprising the step of performing, if there is one available handoff target network, handoff to the network (*note that the selection of Vazvan is hand off selection as described in column 4, lines 45-60. Vazvan would of course hand off to the available hand off target, see column 6, lines 25-40, 55-68).*

As to claim 8, Vazvan teaches the method as applied to claim 6, further comprising the step of performing, if there is one available handoff target network, handoff to the network (*note that the selection of Vazvan is hand off selection as described in column 4, lines 45-60. Vazvan would of course hand off to the available hand off target, see column 6, lines 25-40, 55-68*).

As to claim 9, Vazvan teaches the method as applied to claim 4, further comprising the step of determining a predetermined particular network as a basic network when the communication is terminated (*note that the claimed "basic" network as defined in the instant specification for example in paragraphs 37 and 52 is simply the network that the device is currently using. Vazvan of course would remain in the selected network as described for example in column 6, line 40 – column 7, line 48*).

Response to Arguments

3. Applicant's arguments filed April 12, 2007 have been fully considered but they are not persuasive.

4. Applicant's argues the Vazvan does not disclose the physical layer as described in the specification, however these arguments are not commensurate with the claims. If the applicant desires specific items of the disclosure to be considered claim limitation then they must be incorporated into the claims, otherwise the claims are subject to the broadest reasonable interpretation. Applicant does not convincingly argue why Vazvan should not be considered a physical layer.

5. Regarding claim 4, it is not understood why the claims would distinguish over Vazvan's user selection based on price or quality or both.

Conclusion

6. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

8. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew D. Anderson can be reached on 571-272-4177.

9. The central fax phone number for the Office is 571-273-8300.

Most facsimile-transmitted patent application related correspondence is required to be sent to the Central FAX Number.

CENTRALIZED DELIVERY POLICY: For patent related correspondence, hand carry deliveries must be made to the Customer Service Window (now located at the Randolph Building, 401 Dulany Street, Alexandria, VA

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22314), and facsimile transmissions must be sent to the Central FAX number, unless an exception applies. For example, if the examiner has rejected claims in a regular U.S. patent application, and the reply to the examiner's Office action is desired to be transmitted by facsimile rather than mailed, the reply must be sent to the Central FAX Number.

10. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



6/22/07

PHILIP J. SOBUTKA
PATENT EXAMINER

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